

## REMARKS

Applicant respectfully requests the Examiner's reconsideration of the present application. No claims have been cancelled, added, or amended. Therefore, claims 1-51 are presented for examination.

### **Rejections Under 35 U.S.C. §102**

#### *Enomoto*

Claims 1-3, 5-7, 10-12, 17-20, 22-24, 27-29, 34-37, 39-41, 44-46 and 51 stand rejected under 35 U.S.C. §102(e) as being anticipated by Enomoto, U.S. Patent No. 6,313,902 ("Enomoto"). Applicant respectfully submits that the present claims are not anticipated by Enomoto.

Enomoto discloses an image processing apparatus for processing rolls of film and identifying a group of frames on the film that were taken with the same camera lens. A correction intensity establishing section uses an image from a single frame of the group to establish a correction intensity for the entire group of frames. This correction intensity is stored in a correction intensity storing section, so that when subsequently correcting any frame from the group, the established correction intensity may be used to perform image correction. A memory may be used to store either the uncorrected input image data and its corresponding correction intensity, or the output image data (which has already been corrected with the correction intensity), so that a reprint may be made later using the same image correction.

Independent claims 1, 18 and 35 include the limitations of forming an image template containing a first edited image and a selected record of at least one image editing operation, the image editing operation having been performed on a first image to obtain the first edited image, and applying the image template to at least one second image. Applicant respectfully submits that Enomoto does not disclose these limitations.

In the present Office Action, the Examiner stated that Enomoto's correction intensity establishing section 60 and correction intensity storing subsection 60a,

illustrated in Figure 4, anticipate Applicant's claimed image template. Specifically, the Examiner asserted that the correction intensity storing subsection 60a stores corrected images. Applicant respectfully submits that the Examiner has misinterpreted Enomoto's disclosure. Enomoto discloses storing, for a particular image, either (1) the uncorrected input image and a corresponding correction intensity, or (2) the corrected output image. (Enomoto, co. 21, lines 16-25). However, Enomoto does not disclose forming an image template that contains both the correction intensity and a corrected image. Given that Enomoto's stated motivation for storing (1) or (2) is only to be able to produce reprints with the same finishing (e.g. by applying the same image correction), Enomoto's apparatus would have no need for storing the correction intensity together with the corrected image as a template, when the corrected output image is already stored. Since Applicant's claimed template includes both an edited image and a record of an editing operation used to obtain the edited image, Enomoto cannot be interpreted as disclosing the claimed template.

Additionally, independent claims 1, 18 and 35, include the limitation of applying the image template to a second image. Since Enomoto does not disclose the claimed template, as discussed above, Applicant respectfully submits that Enomoto cannot disclose applying the template. Even if, *arguendo*, Enomoto can be properly interpreted as disclosing an image template containing both the correction intensity and a corrected image, Enomoto still fails to disclose applying the template to a second image. Rather, Enomoto specifically discloses that when producing a reprint, an operator selects either to use a stored correction intensity stored for the group to which the image belongs, or to establish a new correction intensity based on the input image. (Enomoto, col. 21, lines 25-30). Further, where Enomoto does store a corrected image, it is only for the stated purpose of producing a reprint of that same particular image using the same correction- not for correcting a different image. Therefore, Enomoto also does not disclose applying the image template to a second image as claimed.

Accordingly, Applicant respectfully submits that independent claims 1, 18 and 35 and claims 2-3, 5-7, 10-12, 17, 19-20, 22-24, 27-29, 34, 36-37, 39-41, 44-46 and 51 that depend from them, are not anticipated by Enomoto under 35 U.S.C. § 102(e), and respectfully requests the withdrawal of the rejection of the claims.

### **Rejections Under 35 U.S.C. §103(a)**

#### *Enomoto in view of Rissman*

Claims 4, 21 and 38 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Enomoto in view of Rissman, U.S. Patent No. 6,552,743 ("Rissman"). Rissman only qualifies as prior art under 35 U.S.C. §102(e) because its issue date is after Applicant's filing date. Accordingly, Applicant hereby reserves the right to swear behind Rissman in the subsequent prosecution of the present application. Applicant respectfully submits that the present claims are patentable over the combination of Enomoto and Rissman.

Rissman discloses a printing system for a digital camera. The system includes a user interface for editing and manipulating an image prior to printing. The editing and manipulating may include cropping the image.

Claims 4, 21 and 38 depend from independent claims 1, 18 and 35. Independent claims 1, 18 and 35, include the limitation of forming an image template containing a first edited image and a selected record of at least one image editing operation, said image editing operation having been performed on a first image to obtain said first edited image. As discussed above, Enomoto does not teach or suggest this limitation. Applicant further submits that Rissman does not teach or suggest this limitation. Rissman is directed to editing and manipulating a single frame of digital image data prior to printing, and does not disclose a template as claimed. Accordingly, Applicant respectfully submits that claims 4, 21 and 38 are patentable over the combination of Enomoto and Rissman and requests the withdrawal of the rejection of the claims under 35 U.S.C. §103(a).

*Enomoto in view of Suzuki*

Claims 8-9, 25-26 and 42-43 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Enomoto in view of Suzuki, U.S. Patent No. 5,019,858 ("Suzuki"). Applicant respectfully submits that the present claims are patentable over the combination of Enomoto and Suzuki.

Suzuki discloses a photographic printer having a scanner for calculating a scanner correction quantity.

Claims 8-9, 25-26 and 42-43 depend from independent claims 1, 18 and 35. Independent claims 1, 18 and 35, include the limitation of forming an image template containing a first edited image and a selected record of at least one image editing operation, said image editing operation having been performed on a first image to obtain said first edited image. As discussed above, Enomoto does not teach or suggest this limitation. Applicant further submits that Suzuki does not teach or suggest this limitation. Suzuki is directed to optimizing a scanner correction quantity calculation equation, and does not disclose a template as claimed. Accordingly, Applicant respectfully submits that claims 8-9, 25-26 and 42-43 are patentable over the combination of Enomoto and Suzuki and requests the withdrawal of the rejection of the claims under 35 U.S.C. §103(a).

*Enomoto in view of Katayama*

Claims 13-16, 30-33 and 47-50 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Enomoto in view of Katayama et al., U.S. Patent No. 5,982,951 ("Katayama"). Applicant respectfully submits that the present claims are patentable over the combination of Enomoto and Katayama.

Katayama discloses an apparatus for combining images to generate a panoramic image. After correcting the lightness of two input images, conversion parameters are used to combine the two images into a single image.

Claims 13-16, 30-33 and 47-50 depend from independent claims 1, 18 and 35. Independent claims 1, 18 and 35, include the limitation of forming an image template containing a first edited image and a selected record of at least one image

editing operation, said image editing operation having been performed on a first image to obtain said first edited image. As discussed above, Enomoto does not teach or suggest this limitation. Applicant further submits that Katayama does not teach or suggest this limitation. Katayama is directed to combining images along their boundaries to form a panoramic image, and does not disclose a template as claimed. Accordingly, Applicant respectfully submits that claims 13-16, 30-33 and 47-50 are patentable over the combination of Enomoto and Katayama and requests the withdrawal of the rejection of the claims under 35 U.S.C. §103(a).

### Conclusion

Applicant respectfully submits that in view of the amendments and discussion set forth herein, the applicable rejections have been overcome and the pending claims are in condition for allowance.


If the Examiner determines the prompt allowance of the claims could be facilitated by a telephone conference, the Examiner is invited to contact Scott Heilesen at (408) 720-8300.

Authorization is hereby given to charge our Deposit Account No. 02-2666 for any charges that may be due.

Respectfully submitted,

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